

REMARKS

The specification and claims have been amended to improve the style of this application. The claims have also been amended in accordance with the Examiner's indication of allowable subject matter. Applicant thanks the Examiner for indicating allowable subject matter.

The Office Action indicates that for the present application to obtain the benefit of priority based on priority papers filed in the parent application, a claim for such Foreign priority must be made in this application. The Office Action also indicates that in making such a claim, Applicant may simply identify the application containing the priority papers.

Applicant notes that the cover sheet submitted with the filing of the present application indicates that the present application is a continuation of the parent application. This is indicated in Item 1 of the cover sheet. Applicant also notes that Item 7 of this cover sheet requests that the specification be amended by inserting the continuation information. In this present amendment, Applicant has again requested that this continuation information be inserted into the specification. Applicant has further amended the specification to include information that the parent application is the National Stage of a PCT Application. The specification also states the priority claimed in the PCT Application from an Italian Application. The copy of the Declaration submitted in this Continuation Application also includes the claim for priority.

If any additional information is needed to be added to the specification, or any other portion of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

With this Amendment Applicant has added new independent claim 36 which is a

combination of claims 19, 6 and 7. The Office Action indicates that claim 7 would be allowable if rewritten in independent form, and including all of the limitations of the base claim and any intervening claims. New independent claim 36 meets all of these requirements, and therefore is allowable.

The Office Action summary indicates that claims 27, 28, 31, 34 and 35 are rejected. However in the detailed action portion of the Office Action, there is no indication as to why these claims are rejected. Applicant has tried to contact the Examiner and the Examiner's supervisor by telephone to determine the status of these claims. At the time of preparing this Amendment, before the rapidly approaching deadline, Applicant was still unaware of the status of these claims.

Applicant notes that these claims have been introduced to independently claim features which were contained in previously pending dependent claims, and which were considered by the Patent Office to include allowable subject matter. Applicant must therefore assume that claims 27, 28, 31, 34 and 35 are allowed.

This assumption is confirmed "inter alia" by the fact that paragraph 8 of the Office Action indicates that "the features of the indicia being integral with the container body" is not shown in the prior art. This feature is included in claim 31, though in slightly different wording.

If these claims are not allowed, Applicant respectfully requests that a new Office Action be issued with a new period for response in order to properly respond to the new rejections.

Section 8 of the Office Action indicates that claims 4, 7, 13, 14, 32 and 33 recite either the feature of the indicia being integral with the container body or multiple indicia walls. This

section also indicates that these features are not shown in the prior art. With this Amendment Applicant has amended claim 19 to set forth that the indicia wall is integral with the container body. Since the Office Action indicates that this feature is not shown in the prior art it is Applicant's position that amended claim 19 should now also define over the prior art.

Applicant again thanks the Examiner for indicating allowable subject matter, and for indicating features by the present invention which were not found in the prior art. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
For Applicant,

By: 
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Reg. No. 34,575

TD:tf
70012.9

Enclosed: Request to Charge Deposit Account

DATED: February 17, 2004
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.

ATTORNEY DOCKET NO: 70012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : COCOLA et al.
Serial No : 09/767,046
Confirm. No : 4570
Filed : January 22, 2001
For : A TEST TUBE FOR...
Art Unit : 1743
Examiner : Dwayne K. Handy
Dated : February 17, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CHARGE DEPOSIT ACCOUNT

In the above matter The United States Patent and Trademark Office is hereby requested
to charge deposit account 13-0410 as follows:

\$86.00 for filing 1 extra independent claim under fee code 1201.

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for Applicant,

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